



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CLEARLAKE SHIPPING PTE LTD, :

Plaintiff, :

-against- :

14-CV-9287 (VEC)

O.W. BUNKER (SWITZERLAND) SA, O.W. :  
BUNKER USA INC., O.W. BUNKER NORTH :  
AMERICA INC., O.W. BUNKER HOLDING :  
NORTH AMERICA INC., NUSTAR ENERGY :  
SERVICES INC., ING BANK N.V., :

Defendants. :

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NIPPON KAISHA LINE LIMITED, individually :  
and on behalf of M/V RIGEL LEADER (IMO :  
No.9604940), :

Plaintiff, :

-against- :

14-CV-10091 (VEC)

O.W. BUNKER USA INC., NUSTAR ENERGY :  
SERVICES, INC., KIRBY INLAND MARINE :  
LP, ING BANK N.V., :

Defendants. :

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HAPAG-LLOYD AKTIENGESELLSCHAFT, :

Plaintiff, :

-against- :

14-CV-9949 (VEC)

U.S. OIL TRADING L.L.C., O.W. BUNKER :  
GERMANY GMBH, O.W. BUNKER & :  
TRADING A/S, ING BANK N.V. AND CREDIT :  
AGRICOLE S.A., :

Defendants. :

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U.S. OIL TRADING LLC,

Plaintiff,

-against-

M/V VIENNA EXPRESS, her tackle, boilers,  
 apparel, furniture, engines, appurtenances, etc.,  
*in rem*, and M/V SOFIA EXPRESS, her tackle,  
 boilers, apparel, furniture, engines, appurtenances,  
 etc., *in rem*, and HAPAG-LLOYD  
 AKTIENGESELLSCHAFT, *as claimant to the in*  
*rem defendant M/V VIENNA EXPRESS*,

Defendants.

15-CV-6718 (VEC)

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 HAPAG-LLOYD AKTIENGESELLSCHAFT,  
 as claimant to the in rem defendant M/V  
 VIENNA EXPRESS,

Counter-Claimant and Third-Party Plaintiff,

-against-

U.S. OIL TRADING LLC,

Counter-Defendant, and

O.W. BUNKER GERMANY GMBH, O.W.  
 BUNKER & TRADING A/S, ING BANK  
 N.V., CREDIT AGRICOLE CORPORATE  
 AND INVESTMENT BANK, a division or  
 arm of CREDIT AGRICOLE S.A.,

Third-Party Defendants.

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ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS by Opinion and Order dated January 9, 2017 (the “January 9 Opinion”)<sup>1</sup> the Court granted in part the summary judgment motions of ING and O.W. Bunker USA and denied the summary judgment motions of NuStar and USOT;

WHEREAS the January 9 Opinion does not decide the motions for discharge filed by the Vessel Interests and leaves outstanding *in personam* claims and counterclaims filed by ING, O.W. Germany, and O.W. USA;

WHEREAS the O.W. entities and ING have suggested it may be appropriate for the Court to enter a final and appealable judgment as to the Physical Suppliers’ *in rem* claims pursuant to Rule 54(b) of the Federal Rules of Civil Procedure on the grounds that there is no just reason for delay in this multilateral dispute;

IT IS HEREBY ORDERED that by **February 6, 2017** the Physical Suppliers are directed to inform the Court whether they concur in ING’s and the O.W. entities’ suggestion that the Court enter a final judgment on their *in rem* claims.

**SO ORDERED.**

**Date: February 2, 2017**  
**New York, New York**

  
**VALERIE CAPRONI**  
**United States District Judge**

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<sup>1</sup> Unless otherwise specified capitalized terms used herein have the meaning given in the Court’s January 9 Opinion.